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In re Application of
YANKE et al. :
U.S. Application No. 10/587,992 :
PCT No.: PCT/US05/31248 :
Int. Filing Date: 01 September 2005 : DECISION ON REQUEST
Priority Date: None :
Attorney Docket No.: 093144-9030 :
For: SHIELDED DEVICE CONTAINMENT :
VESSEL :

This decision is issued in response to applicants' "Request to Correct Inventorship under 37 CFR 1.48(a)" filed 28 February 2007 which is being treated as a request under 37 CFR 1.497(d).

BACKGROUND

On 01 September 2005, applicants filed international application PCT/US05/31248 which claimed no priority date. The published international application identified three applicant/inventors with respect to the United States: Charles H. YANKE; Brian M. SCHABER; and Scott H. YANKE. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee was to expire 30 months from the international filing date, 01 March 2008.

On 28 July 2006, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and a declaration. The declaration only identified two of the three inventors of record herein. (Scott H. YANKE was omitted.)

On 28 February 2007, applicant filed "Request to Correct Inventorship under 37 CFR 1.48(a)." The request included a statement by Scott H. YANKE relating to an effort to add Scott H. YANKE as an inventor (despite the fact that Scott H. YANKE is already a named inventor).

DISCUSSION

The inventors of record for this application are, as set forth in the published international application, Charles H. YANKE; Brian M. SCHABER; and Scott H. YANKE.

The failure to list all three inventors on the declaration filed 28 July 2006 did not effect the inventorship herein. Accordingly, to the extent that applicants' submission seeks to add Scott H. YANKE as an inventor, the submission is moot.

The declaration, however, filed on 28 July 2006 and 28 February 2007 are defective. Specifically, 37 CFR 1.497(a)(3) states that, among other information, the declaration must identify "each inventor and the country of citizenship of each inventor." Here, neither of the two declarations filed by applicants satisfy this requirement. The 28 July 2006 declaration identifies only two of the three inventors, whereas, the 28 February 2007 declaration identifies only one of the three inventors. Accordingly, neither of these declarations complies with 37 CFR 1.497(a)(3) and a newly executed declaration in compliance with 37 CFR 1.497(a)-(b) is required.

CONCLUSION

Applicant's request to add Scott H. YANKE as an inventor is **DISMISSED as MOOT**, in that, Scott H. YANKE is already an inventor of record for the present application.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration is required.


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